

REMARKS

In response to the Restriction Requirement mailed August 23, 2005, applicants hereby elect the invention of Group III (claims 18, 19 and 22-24) and the polypeptide of SEQ ID NO: 172. As indicated in Table 1, page 71, of the application, SEQ ID NO: 172 is encoded by the polynucleotide sequence of SEQ ID NO: 73.

Claims 1-4, 7-15 and 20 have been withdrawn, and claims 5, 6, 16, 17 and 24 have been cancelled, as being drawn to non-elected inventions. Claim 18 has been amended to remove reference to non-elected sequences. Claim 19 has been cancelled and rewritten as newly added claims 28-30. Claim 21 has been amended to remove reference to non-elected sequences, and claims 22 and 23 have been amended to replace reference to cancelled claim 19 with reference to claim 21. Claims 25 and 26 have been amended to refer to claims 23 and 27, respectively. Claim 27, drawn to compositions comprising a fusion protein of claim 22, has been added. Newly added claims 28-30 are drawn to polypeptides comprising a sequence having 75%, 90% or 95% identity, respectively, to SEQ ID NO: 172, wherein the polypeptides possess pyruvate oxidase activity. Support for newly added claims 28-30 may be found, for example, in Table 1 (page 71) and on page 85, lines 19-28, of the specification as originally filed. Newly added claims 31-33 are drawn to compositions comprising the polypeptides of claims 28-30, respectively.


It is submitted that support for all of the above amendments may be found throughout the specification as originally found and that none of the amendments constitute new matter. It is further submitted that the above amendments are not being made for reasons of patentability but rather to focus the claims on subject matter presently of most interest to the assignee, and that these amendments therefore do not give rise to prosecution history estoppel.

Applicants specifically reserve the right to rejoin method claims 25 and 26 once the composition claims are determined to be allowable.

A request for a three month extension of time, extending the deadline for response to December 23, 2005, is submitted herewith.

Early consideration and allowance of the pending claims is respectfully requested. Should the Examiner have any concerns regarding the subject patent application, she is respectfully requested to telephone the undersigned at: 206.382.1191.

Respectfully submitted,


Janet Sleath
Registration No. 37,007

Date: December 15, 2005

SPECKMAN LAW GROUP PLLC

20601